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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,792	08/05/1999	DIYA SOUBRA	50944.6100	8509
25700	7590	11/17/2003	EXAMINER	
FARJAMI & FARJAMI LLP 16148 SAND CANYON IRVINE, CA 92618			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	8
DATE MAILED: 11/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,792

Applicant(s)

SOUBRA ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (US 6,515,996).

Regarding claim 1, Tonnby discloses, in Figs. 1, 5 and 7, an access server system providing network access to a voice call, the access server system comprising:

an access server (4) comprising an interface for receiving the voice call (75), a processor configured to manipulate the voice call to create voice data (75), and a port configured to provide access to the voice data (column 9, lines 8-46);

a host computer (2) comprising an operating system, the operating system comprising a telephony interface (12) and a network interface (column 5, lines 21-26); and

a device driver (73) configured to function as an interface between the access server (4) and the host computer (2);

wherein the access server system is characterized in that the port is configured as a modem port such that the host computer communicates with the port via the telephony interface to make the voice data available to the network interface (column 9, lines 13-29).

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Regarding claim 2, Tonnby discloses the access sever system wherein the processor encapsulates the voice data in an addressable address frame (column 9, lines 13-46).

Regarding claim 3, Tonnby discloses the access sever system wherein the address frame is routed to the network interface via the port (column 9, lines 38-46).

Regarding claim 4, Tonnby discloses a method of transmitting data comprising the steps of:

receiving data at a port of an access server, the port being configured to emulate a modem port (column 9, lines 8-67);

establishing a communications session between the port and a computer application, the computer application addressing the port as a modem port (column 6, lines 36-53; column 8, lines 30-45);

encapsulating the data in an externally addressable protocol frame; and providing the protocol frame to the computer application (column 9, lines 38-46).

Regarding claim 5, Tonnby discloses a driver on a recordable medium, the device driver comprising:

first programming logic configured to initiate a connection between an access device and a computer host, the connection being configured in a format compatible with and application programming interface on the computer host (column 5, lines 4-49);

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second programming logic configured to establish a virtual tunnel (link 16) between the access device (4) and a network interface (8) on the computer host (2) in response to the connection (column 5, lines 21-26); and

third programming logic configured to interact with the access device and the computer host such that information is transported through the virtual tunnel to a remote destination (column 5, lines 21-49).

Regarding claims 6-8, Tonnby discloses a device driver wherein the format is a modem format and the information is voice information (column 5, lines 50-64; column 6, lines 16-19).

Regarding claims 9, 17 and 25, Tonnby discloses, in Figs. 1 and 4, a device driver (modem 4) for use with a communication device (PC 2, 21; User A, B) the communication device including a modem module and a voice module (2, 12), an application program running on an operating system (2, 12), the operating system including a modem application program interface capable of communicating with the application program using a plurality of modem calls (column 3, lines 46-50; column 4, lines 11-21), the device driver comprising:

an initiation module configured to receive a voice connection request (column 4, lines 22-24);

an establishment module configured to process the voice connection request, and configured to establish a modem interface for use with the modem API for communicating data related to the plurality of modem calls and establish a voice interface for use with the voice module (column 4, lines 22-48) ; and

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an interaction module configured to convert the data received through the modem interface to generate converted data for use by the voice module, and configured to transport the converted data through the voice interface to the voice module (column 3, lines 35-52; column 4, lines 51-59).

Regarding claims 10, 18 and 26, Tonnby discloses the device driver, wherein the operating system further includes a network API and a network interface, wherein the network interface is in communication with the network API and a network, and wherein the application program establishes a voice connection between the voice module and the network through the device driver, the modem API, the network API and the network interface (column 3, line 63-column 4, line 10).

Regarding claims 11, 19 and 27, Tonnby discloses the device driver, wherein the voice connection request is received from a remote user over a communication interface coupled to the communication device (column 5, lines 50-64).

Regarding claims 12, 20 and 28, Tonnby discloses the device driver, wherein the voice connection request is received from the modem API (column 4, lines 36-41).

Regarding claims 13, 21 and 29, Tonnby discloses the device driver, wherein the interaction module is further configured to convert data received from the communication device

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through the voice interface prior to transmission to the modem API through the modem interface (column 4, lines 49-59).

Regarding claims 14, 22 and 30, Tonnby discloses the device driver wherein the plurality of modem calls includes calls, instruction calls and data calls (column 9, lines 13-29).

Regarding claims 15, 23 and 31, Tonnby discloses the device driver wherein the converted data includes a plurality of voice calls (column 8, lines 7-29).

Regarding claims 16, 24 and 32, Tonnby discloses the device driver wherein the plurality of voice calls includes control calls, instruction calls and data calls (column 9, lines 13-29).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Afrakhteh et al (US 2001/0055308) discloses systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses and methods for performing telephony and data functions using the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST

October 28 2003

A handwritten signature in black ink, appearing to read 'JP 3/8/03' or similar, written in a cursive style.

JOHN PEZZLO
PRIMARY EXAMINER